

## **ARTICLE 13. DOCKS, BULKHEADS, AND SHORELINE ACCESS.**

### § 25-2-1171 APPLICABILITY.

(A) This article applies to a structure or development:

- (1) in Lake Austin, Lady Bird Lake, or Lake Walter E. Long;
- (2) along the shore of Lake Austin in the area below 504.9 feet above mean sea level;
- (3) along the shore of Lady Bird Lake below 435 feet above mean sea level;
- (4) along the shore of Lake Walter E. Long; or
- (5) used for access to areas described in this Subsection.

(B) The building official, director of the Planning and Development Review Department, and director of the Parks and Recreation Department shall implement and enforce this article.

*Source: Section 13-2-791(a) and (d); Ord. 990225-70; Ord. 031211-11; Ord. 20101209-075.*

### § 25-2-1172 DEFINITIONS.

In this article:

- (1) BULKHEAD means a revetment or wall constructed for the purpose of stabilizing or modifying the shoreline.
- (2) CONSTRUCT includes placing or replacing a structure and structurally altering an existing structure.
- (3) DOCK includes a wharf, pier, float, floating dock, island, boat dock or other similar structure.
- (4) NORMAL POOL ELEVATION means:
  - (a) for Lake Austin, 492.8 feet above mean sea level;
  - (b) for Lady Bird Lake, 429 feet above mean sea level; and
  - (c) for Lake Walter E. Long, 554.5 feet above mean sea level.
- (5) RESIDENTIAL DOCK means a dock that provides a stationary landing for:
  - (a) fishing or swimming; or
  - (b) anchoring, mooring, or storing not more than one vessel.
- (6) SHORELINE means the line where the edge of the water meets the land at normal pool elevation.
- (7) SHORELINE ACCESS means improvements constructed to provide a means of approaching the shoreline such as stairs, lifts, trams, incline elevators or escalators.

*Source: Section 13-2-790; Ord. 990225-70; Ord. 031211-11; Ord. 20101209-075.*

### § 25-2-1173 PERMIT REQUIRED FOR CONSTRUCTION.

(A) A person may not modify a shoreline or construct a dock, bulkhead, or shoreline access unless the person first obtains a site plan and building permit, as applicable, and pays the applicable permit fee set by ordinance.

(B) The building official or the director of the Parks and Recreation Department shall require the applicant to place an identification or registration tag on a dock. A person may not remove a tag placed under this subsection.

(C) A permit obtained under this section shall be prominently displayed at the construction site until the final inspection and approval by the building official.

(D) The director of the Planning and Development Review Department may not approve an application for a permit for the construction of more than two residential docks or other similar structures on a single lot zoned MF-1 or more restrictive, unless:

- (1) the lot was platted and recorded before August 26, 1976, and perpetual rights to use the water frontage of the lot were granted or conveyed to one or more owners of other lots in the subdivision before June 23, 1979; or
- (2) the Parks and Recreation Board has approved a site plan that clusters the residential docks on one or more lots in the subdivision.

(E) If a permit is required under this section and is not obtained before construction begins, the required fee is increased by an amount established by ordinance. Payment of the additional fee does not relieve a person from complying with this Code.

(F) Where an inspection is required by state law, neither a Certificate of Compliance nor a final inspection may be issued for shoreline access unless the applicant has submitted an inspection report, signed

by a QEI-1 inspector registered with the Texas Department of Licensing and Regulation, stating that all applicable state regulations have been met.

Source: Sections 13-2-791 and 13-2-794; Ord. 990225-70; Ord. 031211-11; Ord. 20101209-075.

 § 25-2-1174 STRUCTURAL REQUIREMENTS.

(A) A dock must:

(1) comply with the requirements of Chapter [25-12, Article 1](#) (*Uniform Building Code*) and the Building Criteria Manual; and

(2) be braced to withstand pressure of wind and water when boats are tied to the dock.

(B) A floating dock must be supported by solid displacement flotation devices with durable nonferrous protective coverings. The flotation material must be securely attached to the dock and must be capable of withstanding prolonged exposure to wave action and weather.

(C) A retaining wall, bulkhead, or other erosion protection device must be constructed to minimize wave return and wave action by using design and materials prescribed by rule. A bulkhead with a greater than 45 degree vertical slope for any portion greater than one foot in height is not permitted on or adjacent to the shoreline of a lake listed in Section [25-2-1171](#) (*Applicability*) unless the shoreline is located within an existing man-made channel.

(D) A retaining wall, bulkhead, or other erosion protection device may not capture or recapture land on a lake listed in Section [25-2-1171](#) (*Applicability*), unless capturing or recapturing the land is required to restore the land to the lesser of:

(1) the shoreline as it existed 10 years from the date of application, with documentation as prescribed by rule, or

(2) the lakeside boundary of the subdivided lot line.

(E) On a determination by a city official or employee that a dock has become, or is in imminent danger of becoming, structurally unsound, the building official:

(1) shall take action to declare the dock a hazard;

(2) shall abate the hazard under [Chapter 25-12, Article 10](#) (*Dangerous Buildings Code*)\*, at the owner's expense; and

(3) may impose a lien on the affected property for the collection of the expense.

Source: Section 13-2-792; Ord. 990225-70; Ord. 031211-11; Ord. 20101209-075.

\* *Editor's note:*

*Chapter 25-12, Article 10 (Dangerous Buildings Code), was repealed by Ord. 20100408-052, effective 1-1-11. Future legislation will correct this reference if needed.*

 § 25-2-1175 LIGHTING AND ELECTRICAL REQUIREMENTS.

(A) A dock must be lighted as provided in this section and in compliance with Chapter [25-12, Article 4](#) (*Electrical Code*). This section does not apply to a dock located on an inlet or slough, unless the dock is on Bee Creek or Bull Creek.

(B) This subsection applies to a dock that extends more than eight feet from the shoreline. In this subsection, the distance that a dock extends from a shoreline is measured perpendicular to the shoreline, and the shoreline length of a dock is the length of a dock measured parallel to the shoreline.

(1) A dock must be continuously lighted with amber lights between sunset and sunrise each day.

(2) A dock must have at least one light station. Except as otherwise provided in this subsection, the light station must be located on the end of the dock and on the side that is farthest from and parallel to the shoreline. The light must be visible to a properly approaching watercraft.

(3) A dock that extends 30 feet or more from the shoreline, or that has a shoreline length of 25 feet or more, must have at least one light station on each side of the dock that does not face the shoreline.

(4) This paragraph applies if the director of the Parks and Recreation Department determines that a dock described in Subsection (B)(3) may be a navigational hazard between sunset and sunrise.

(a) A dock that extends not more than 50 feet from the shoreline must have a light station half way between the shoreline and the end of the dock that is farthest from the shoreline.

(b) A dock that extends 50 feet or more from the shoreline must have light stations from the shoreline to the end of the dock at intervals of not more than 25 feet, except that a light station may not be located within 8 feet of the shoreline.

(c) A dock that has a shoreline length of at least 25 feet but not more than 50 feet must have a light station located at each end of the dock on the side farthest from the shoreline.

(d) A dock that has a shoreline length of 50 feet or more must have light stations located at intervals of not more than 25 feet along its length.

Light stations are also required at each end of the dock on the side farthest from the shoreline.

(C) A light station required by this section must have a two-bulb fixture, with two working light bulbs rated between 7½ and 25 watts, inclusive. Light bulbs or bulb covers must be amber, and white light may not radiate from the fixture. Weatherproof lamp holders and junction boxes are required. Each light fixture must be wired with a switch operated by a photoelectric cell so that the lights will operate automatically during the hours that the dock is required to be lighted by this section.

(D) Wiring on a dock must be enclosed in rigid conduit or weatherproof flexible conduit with appropriate fittings.

(E) If lights other than those required by this section are installed on a dock, only an amber navigation light may cast a beam of light outward from the dock.

(F) A dock that requires lights under this section must provide temporary navigation lights that meet the requirements of this section during construction and until the permanent navigation lights installed on the dock are working.

(G) If a dock does not comply with this section, the building official or other authorized city official shall post notice on the dock and shall notify the owner by mail of the violation. An offense under this section is punishable by a fine of not less than \$200.

*Source: Section 13-2-793; Ord. 990225-70; Ord. 031211-11.*

 § 25-2-1176 REGULATIONS.

(A) AA site plan must comply with this section. A city official may not approve for final inspection a structure that does not conform to the requirements of Title 25 of the City Code, including this section.

(B) A dock or other structure must be constructed so that it is not a hazard to navigation or safety.

(1) The director of the Parks and Recreation Department shall determine, after receiving the recommendation of the Parks and Recreation Board, the distance that a proposed dock may extend into a body of water without constituting a hazard.

(2) A dock may not extend more than 30 feet from the shoreline unless the Parks and Recreation Board determines that the dock will not create a hazard and approves the construction of the dock.

(C) A fence may not extend into the water beyond the shoreline unless the fence was part of a commercial livestock operation, other than raising domestic pets, existing on April 17, 1994. A fence permitted under this subsection:

(1) must be constructed of smooth wire or mesh;

(2) may not extend more than 40 feet beyond the shoreline;

(3) must include a navigation buoy indicating “DANGER”, in accordance with the Texas Water Safety Act, installed at the end of the fence, unless the fence does not extend further beyond the shoreline than an immediately adjacent dock; and

(4) must be removed if the livestock operation ceases.

(D) Approval of the Parks and Recreation Board is required for a structure, other than a retaining wall:

(1) to be constructed or altered within 10 feet of a side property line; or

(2) except as provided in Subsection (E), that has a width, measured parallel to the shoreline, greater than 20 percent of the shoreline width of the lot or parcel of land on which the structure is to be constructed.

(E) Subsection (D)(2) does not apply if :

(1) the lot was platted and recorded before August 26, 1976, and a perpetual right to use the water frontage of the lot was granted to the owner of another lot in the subdivision before June 23, 1979; or

(2) the Parks and Recreation Board has approved a site plan that clusters the boat docks on one or more lots in the subdivision.

- (F) The number of residential docks may not exceed:
- (1) twice the number of lots in the subdivision that have lake frontage on Lake Austin or Lady Bird Lake; or
  - (2) the number of lots in the subdivision, if:
    - (a) the subdivision has a common area that fronts on Lake Austin or Lady Bird Lake; and
    - (b) a perpetual right to use the water frontage of the common area has been conveyed to a lot owner in the subdivision.
- (G) This subsection applies to a marina area or common area.
- (1) Except for a boat dock or a combined storage area on the water's edge, a permanent structure, including a parking lot, must be set back at least 100 feet from the shoreline.
  - (2) Sanitation facilities must be provided for all marina and picnic areas.
    - (a) Permanent sanitation facilities are required for a marina or common area with 10 or more boat slips.
    - (b) Septic tanks and sewage holding tanks may not be located within 100 feet of an area below the normal pool elevation.
  - (3) The facility operator shall provide for the on-site collection of garbage at the marina or common area.
    - (a) At least one garbage can with a capacity of at least 32 gallons is required for each four picnic units and for each four boat slips.
    - (b) The facility operator shall remove garbage in a timely manner.
- (H) A business or a living quarter may not be constructed on a pier or similar structure extending into or above Lake Austin, Lady Bird Lake, or Lake Walter E. Long, except under a license agreement approved by the council.
- (1) The Parks and Recreation Board shall make a recommendation to the council on each license agreement.
  - (2) A structure built under a license agreement must comply with the lighting requirements of Section [25-2-1175](#) (*Lighting And Electrical Requirements*).
- (I) Construction of a boat ramp is prohibited.
- Source: Section 13-2-795; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. 20101209-075.*
-  § 25-2-1177 DOCKS EXEMPT FROM CITY LICENSING REQUIREMENTS.
- (A) A license agreement from the City is not required for a dock located within the boundaries of a public drainage easement along Lake Austin, Lady Bird Lake, or Lake Walter E. Long if it is constructed in accordance with this article and Chapter [25-12](#), [Article 1](#) (*Uniform Building Code*).
- (B) This section does not limit the review of a site plan for construction of a dock.
- Source: Section 13-2-796; Ord. 990225-70; Ord. 031211-11; Ord. 20101209-075.*
-  § 25-2-1178 FIRE PROTECTION.
- A marina or marine fuel facility or service station must provide adequate fire protection, approved by the Fire Chief of the Austin Fire Department, and in accordance with the Fire Code and the National Fire Protection Association standards for marinas and boatyards.
- Source: Section 13-2-797; Ord. 990225-70; Ord. 031211-11.*
-  § 25-2-1179 ENVIRONMENTAL PROTECTION.
- (A) A marine fuel facility or service station must comply with the requirements of Chapter [6-2](#) (*Hazardous Materials*) and shall be designed, maintained, and operated in a manner that prevents the spilling or leaking of fuel or petroleum products into the water.
- (B) The maintenance and repair of watercraft shall be performed in a manner that prevents discharge of fuel, oil, or other pollutants into the water.
- (C) Containers of hazardous materials, fuel, oil, herbicides, insecticides, fertilizers or other pollutants may not be stored on docks extending into or above Lake Austin, Lady Bird Lake, or Lake Walter E. Long.
- (D) Construction of shoreline access structures must minimize disturbance to woody and herbaceous vegetation, preserve the tree canopy, and replace herbaceous ground cover to the extent practicable.
- Source: Section 13-2-798; Ord. 990225-70; Ord. 031211-11; Ord. 20101209-075.*